

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (303) 740-1980

INTELLECTUAL PROPERTY LAW
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

FACSIMILE: (303) 740-6962

RECEIVED
CENTRAL FAX CENTER**FACSIMILE COVER SHEET**

SEP 02 2008

Deliver to: Phuong M. Phu, USPTO

Art Group: 2611

Facsimile No.: (571) 273-8300

Date: September 2, 2008

From: Brent E. Vecchia, Reg. No. 48,011

Our Docket No.: 42P17667

Number of pages 6 (including this sheet.)

Application No.: 10/749,987

Filing Date: 12/31/2003.

Docket Due Date(s):

Enclosed are the following documents:

- | | |
|---|---|
| <input type="checkbox"/> Amendment: (pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (pgs) | <input type="checkbox"/> Notice of Appeal (in duplicate) |
| <input type="checkbox"/> Application:

(pgs) w/cover & abstract) | <input type="checkbox"/> Petition for:

<input type="checkbox"/> Request for Continued Examination (RCE) (in duplicate) |
| <input type="checkbox"/> Assignment & Cover Sheet (pgs) | <input type="checkbox"/> Reply Brief (pgs) |
| <input checked="" type="checkbox"/> Certificate of Facsimile | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Declaration & POA (pgs) | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Drawings: sheets, figures | <input type="checkbox"/> Response to Written Opinion (pgs) |
| <input type="checkbox"/> Extension of Time: | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input type="checkbox"/> IDS & PTO/SB/08 (pgs) | <input checked="" type="checkbox"/> Transmittal Letter |
| <input checked="" type="checkbox"/> Other: Applicant Interview Summary (2 pgs.) | |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.



Shannon Serrano
Date 9/2/2008

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (303) 740-1980 and ask for Shannon Serrano.

RECEIVED
CENTRAL FAX CENTER

SEP 02 2008

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

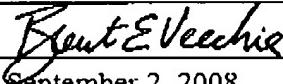
Application No.	10/749,987
Filing Date	December 31, 2003
First Named Inventor	Neil J. Bershad
Art Unit	2611
Examiner Name	Phuong M. Phu
Attorney Docket Number	42P17667

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Applicant Interview Summary Facsimile Cover Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> PTO/SB/08	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

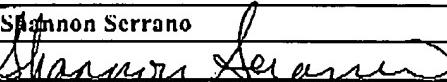
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	September 2, 2008

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

Typed or printed name	Shannon Serrano
Signature	
Date	September 2, 2008

Based on PTO/SB/21 (10-07) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 10/05/2007
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**RECEIVED
CENTRAL FAX CENTER**

SEP 02 2008

FEE TRANSMITTAL for FY 2007

Parent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.
TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/749,987
Filing Date	December 31, 2003
First Named Inventor	Neil J. Bershad
Examiner Name	Phuong M. Phu
Art Unit	2611
Attorney Docket No.	42P17667

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity	Small Entity
Fee Code	Fee Code
Fee (\$)	Fee (\$)

Fee Description

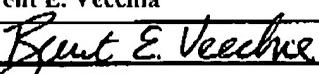
Fee Paid

1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	460	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify)

SUBTOTAL (2) (\$)

Complete if applicable

Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature				Date	09/02/08

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

SEP 02 2008

FEE TRANSMITTAL for FY 2007		<i>Complete if Known</i>	
<small>Patent fees are subject to annual revision.</small>			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number 10/749,987 Filing Date December 31, 2003 First Named Inventor Neil J. Bershad Examiner Name Phuong M. Phu Art Unit 2611 Attorney Docket No. 42P17667	
TOTAL AMOUNT OF PAYMENT : (\$)			

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	

FEE CALCULATION						
Large Entity		Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath		
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		
2053	130	2053	130	Non-English specification		
1251	120	2251	60	Extension for reply within first month		
1252	460	2252	230	Extension for reply within second month		
1253	1,050	2253	525	Extension for reply within third month		
1254	1,640	2254	820	Extension for reply within fourth month		
1255	2,230	2255	1,115	Extension for reply within fifth month		
1401	510	2401	255	Notice of Appeal		
1402	510	2402	255	Filing a brief in support of an appeal		
1403	1,030	2403	515	Request for oral hearing		
1451	1,510	2451	1,510	Petition to institute a public use proceeding		
1460	130	2460	130	Petitions to the Commissioner		
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
1806	180	1806	180	Submission of Information Disclosure Stmt		
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.129(a))		
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))		
Other fee (specify)						
SUBTOTAL (2) (\$)						

SUBMITTED BY					
Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature	<i>Brent E. Vecchia</i>			Date	09/02/08

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wfr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

SEP 02 2008

OUR DOCKET NO: 42P17667

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/749,987	Confirmation No. :
1 st Named Inventor : Neil J. Bershad	Art Unit : 2609
Filed : 12/31/2003	Examiner : Quynh Nguyen
Docket No. : 42P17667	Customer No. : 7590

APPLICANT INTERVIEW SUMMARY

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

This Applicant Interview Summary is filed in response to the Interview conducted with the Examiner in the above-identified case in accordance with 37 CFR 1.133 and MPEP 713.04.

The Examiner phoned Representative to request the interview. The time and date of the interview was 11:00 MST on 8/29/08. The participants in the interview were Quynh Nguyen (Examiner) and Brent Vecchia (Representative). The interview was telephonic.

During the interview, Ms. Nguyen requested a short explanation of the specification. Mr. Vecchia walked the Examiner through Figures 1-3 and the associated portions of the specification.

Ms. Nguyen also asked how the claims distinguished over the cited references relied upon by the former Examiner. Claim 1 was read. Mr. Vecchia asserted that claim 1 was allowable over the cited art relied upon by the former Examiner for the reasons set forth in the Appeal Brief previously filed in the above-identified case. Mr. Vecchia read and reviewed certain of the arguments presented in this Appeal Brief.

No firm agreement was reached. Although it is believed that the current claims distinguish over the cited art, in order to expedite allowance, Mr. Vecchia agreed to send a set of proposed claim amendments to the Examiner. The Examiner agreed to review the proposed claim amendments, do an updated search, and consider allowing the claims with these proposed claim amendments. No exhibit was shown or demonstration conducted.

No fee is believed to be due. However, please charge any needed extension of time or other needed fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/2/08

Brent E. Vccchia

Brent E. Vccchia
Reg. No. 48,011

1279 Oakmead Parkway
Sunnyvale, California 94085-4040